

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**OLIVE LAVAUN FLETCHER  
RESPONDENT,**

**vs.**

**KANSAS CITY CANCER CENTER, LLC, et al.,  
APPELLANTS.**

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DOCKET NUMBER WD69942

DATE: JULY 28, 2009

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Appeal from:

Jackson County Circuit Court  
The Honorable John M. Torrence, Judge

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Appellate Judges:

Division Three: Harold L. Lowenstein, P.J., Joseph M. Ellis and Lisa White Hardwick, JJ.

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Attorneys:

Michael W. Blanton, for Respondent.

Charles H. Stitt, for Appellant.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**OLIVE LAVAUN FLETCHER, RESPONDENT,  
v.  
KANSAS CITY CANCER CENTER, LLC, et al., APPELLANTS.**

WD69942

Jackson County, Missouri

Before Division Three Judges: Harold L. Lowenstein, P.J., Joseph M. Ellis and Lisa White Hardwick, JJ.

Dr. Richard Mundis, M.D., appeals from a judgment entered against him in the Circuit Court of Jackson County in a medical malpractice action filed against him by Olive Fletcher. Fletcher had developed a compartment syndrome in her arm as a side effect of the therapeutic phlebotomy ordered by Dr. Mundis to treat her polycythemia vera. At trial, Fletcher asserted that Dr. Mundis was negligent when, after the injection site began to swell and Fletcher began to feel significant pain, he failed to either keep her at the clinic for observation, admit her to a hospital for observation, order a duplex scan of her arm, or provide her with sufficient instructions as to what to look for and when to call him for further medical treatment.

**AFFIRMED**

**Division Three holds:**

(1) The trial court properly denied Dr. Mundis's motion for judgment notwithstanding the verdict as the evidence was clearly sufficient to support a finding of malpractice. Dr. Mundis admitted not keeping Fletcher for observation and not ordering a duplex scan, and Fletcher testified that Dr. Mundis had not provided her with any instructions. Fletcher's medical expert testified that Dr. Mundis's actions fell below the standard of care for a physician and that her injury would have been far less severe had Dr. Mundis met the standard of care.

(2) The trial court did not err in submitting the verdict director and denying Dr. Mundis's subsequent motion for new trial on that basis. From the record, there is no reason to believe that the jury was misled by the disjunctive nature of the verdict director where the overwhelming evidence established that all of the omissions listed in the instruction occurred and the case was argued over whether these omissions violated the standard of care and whether they caused Fletcher's injuries.

**Opinion by: Joseph M. Ellis, Judge**

Date: July 28, 2009

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